

## SENATE BILL No. 500

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-6; IC 3-7; IC 3-9-4; IC 3-11; IC 3-14-3-14; IC 9-24-2.5; IC 12-14-25; IC 12-15-1.5; IC 16-35-1.6; IC 33-42-4-1.

**Synopsis:** Election commission and election division. Designates the secretary of state as the state's chief election official for all purposes. Provides that the secretary of state serves as a member and the chair of the election commission. Provides that the election division is administered by a director, who serves at the pleasure of the secretary of state. Abolishes the current positions of co-director. Specifies that the election division staff must include an assistant director nominated by the chairman of the political party whose candidate received the second highest number of votes for secretary of state at the most recent election for that office. Permits the election division to enter into an agreement with a person subject to a campaign finance civil penalty to permit the person to pay the proposed penalty in full and waive further proceedings. Permits the election division to authorize county adoption of a proposed precinct establishment order submitted by a county if a voter of the county does not file an objection to the proposed order. Removes provisions requiring the consent of the co-directors of the election division for state administration and implementation of the Help America Vote Act. Makes technical changes. Repeals obsolete statutes relating to the co-directors of the election division.

**Effective:** Upon passage.

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**Young R Michael, Lawson C**

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January 18, 2005, read first time and referred to Committee on Elections and Civic Affairs.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## SENATE BILL No. 500

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 3-6-3.7-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. ~~Except as~~  
3 ~~provided by IC 3-7-11-1~~, The secretary of state is the state's chief  
4 election official.
- 5 SECTION 2. IC 3-6-3.7-2 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. In addition to  
7 performing the duties related to elections specified in this title, the  
8 secretary of state ~~with the consent of the co-directors of the election~~  
9 ~~division~~ shall do the following:
- 10 (1) Work with the federal Election Assistance Commission to  
11 encourage students enrolled at institutions of higher education  
12 (including community colleges) to assist state and local  
13 governments in the administration of elections by serving as  
14 nonpartisan poll workers or assistants.
- 15 (2) Consult with the federal Election Assistance Commission in  
16 the development of materials, seminars, and advertising targeted  
17 at students to implement the Help America Vote College Program



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conducted by the Election Assistance Commission under 42 U.S.C. 15521.

(3) Consult with the Help America Vote Foundation established under 36 U.S.C. 1526 in developing programs to encourage secondary school students (including students educated in the home) to participate in the election process in a nonpartisan manner as poll workers or assistants to local election officials in precinct polling places.

~~(4) Consult and coordinate with (and provide administrative support to) the co-directors of the election division in the development and implementation of~~ **Implement** the state plan under HAVA (42 U.S.C. 15401 through 15406).

(5) Perform all duties required to be performed by the state or the chief state election official under HAVA.

SECTION 3. IC 3-6-4.1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The commission consists of **the following**:

**(1) Four (4) individuals appointed by the governor.**

**(2) The secretary of state.**

(b) Each member of the commission **appointed by the governor** must be a registered voter.

(c) Each member of the commission **appointed by the governor** must be a member of a major political party of the state. Not more than two (2) members of the commission **appointed by the governor** may be a member of the same political party.

SECTION 4. IC 3-6-4.1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. **(a) This section applies to a commission member appointed by the governor.**

~~(a)~~ **(b)** The term of an individual serving as a member of the commission begins on the later of the following:

(1) The day the term of the member whom the individual is appointed to succeed expires.

(2) The day the individual is appointed.

~~(b)~~ **(c)** The term of a member expires July 1 of the second year after the member's current term begins.

~~(c)~~ **(d)** A member may be reappointed to the commission. A member reappointed to the commission is the member's own successor for purposes of subsection ~~(a)~~: **(b)**.

SECTION 5. IC 3-6-4.1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **(a) This section applies only to a commission member appointed by the governor.**

~~(a)~~ **(b) Before May + Not later than noon of the last Friday of**

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1 **May** of a year that the term of a member of the commission expires, the  
 2 state chairman of the major political party of the state represented by  
 3 that member may nominate ~~in writing~~, **an individual to be a**  
 4 **commission member by filing a statement with the governor setting**  
 5 **forth the names of** two (2) individuals of the state chairman's own  
 6 political party to succeed the member whose term will expire.

7 ~~(b)~~ (c) The state chairman of a political party may nominate the  
 8 individual whose term will expire that year to serve a new term.

9 ~~(c)~~ (d) If the state chairman ~~makes files~~ the nominations ~~before May~~  
 10 ~~1~~, **not later than the date and time specified in subsection (b)**, the  
 11 governor shall appoint one (1) of the nominees to the commission.

12 ~~(d)~~ (e) If the state chairman fails to ~~make file~~ the nominations ~~before~~  
 13 ~~May 1~~, **not later than the date and time specified in subsection (b)**,  
 14 the governor shall, within another ten (10) days, appoint a member of  
 15 the same political party as the state chairman. The state chairman may  
 16 disapprove the selection by notifying the governor within seven (7)  
 17 days after receiving notice of the governor's appointment.

18 ~~(e)~~ (f) If the state chairman disapproves the selection within the  
 19 seven (7) day period under subsection ~~(d)~~, (e), the governor shall make  
 20 another appointment under subsection ~~(d)~~ (e) that is also subject to the  
 21 disapproval of the state chairman under subsection ~~(d)~~, (e).

22 ~~(f)~~ (g) If the state chairman does not disapprove an appointment  
 23 under subsection ~~(d)~~ (e) within the seven (7) day period, the individual  
 24 appointed by the governor is a member of the commission.

25 SECTION 6. IC 3-6-4.1-5 IS AMENDED TO READ AS  
 26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) If a member  
 27 of the commission (**other than the secretary of state**) resigns, dies, or  
 28 becomes unable to serve on the commission, the governor shall notify  
 29 the state chairman of the major political party of the state represented  
 30 by the member.

31 (b) The state chairman may nominate in writing, within ten (10)  
 32 days after notice of the vacancy, two (2) individuals of the state  
 33 chairman's own political party to succeed the member. If the state  
 34 chairman makes the nominations within ten (10) days, the governor  
 35 shall appoint one (1) of the nominees to the commission.

36 (c) If the state chairman fails to make the nominations within ten  
 37 (10) days, the governor shall, within another ten (10) days, appoint a  
 38 member of the same political party as the state chairman. The state  
 39 chairman may disapprove the selection by notifying the governor  
 40 within seven (7) days after receiving notice of the governor's  
 41 appointment.

42 (d) If the state chairman disapproves the selection within the seven

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(7) day period under subsection (c), the governor shall make another appointment under subsection (c) that is also subject to the disapproval of the state chairman under subsection (c).

(e) If the state chairman does not disapprove an appointment under subsection (c) within the seven (7) day period, the individual appointed by the governor is a member of the commission.

SECTION 7. IC 3-6-4.1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) ~~The governor shall appoint one (1) of the members~~ **secretary of state serves as the chair** of the commission. ~~to be the chair and The secretary of state shall designate one (1) of the members of the commission to be the vice chair of the commission. The chair of the commission must be a member of the same political party as the individual who is the secretary of state. The vice chair and the chair may not be affiliated with the same political party.~~

(b) ~~The individuals appointed~~ **individual designated** as chair and vice chair ~~serve in their respective positions~~ **serves in that capacity** until ~~each the~~ individual's term as a member of the commission expires.

(c) ~~The vice chair serves as acting chair of the commission in the absence of the secretary of state (or a proxy designated by the secretary of state to act as chair under section 8 of this chapter).~~

SECTION 8. IC 3-6-4.1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Three (3) members of the commission, **including:**

**(1) the secretary of state; or**

**(2) an individual designated as the secretary of state's proxy under section 8 of this chapter;**

constitute a quorum.

(b) Except as otherwise provided in this title, the affirmative vote of at least three (3) members of the commission is necessary for the commission to take official action other than to meet to take testimony.

**(c) The secretary of state does not cast a vote as a member of the commission unless the casting of that vote is necessary to take official action under subsection (b) or to break a tie that has occurred in the votes cast by other members of the commission.**

SECTION 9. IC 3-6-4.1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) A member of the commission **(including the secretary of state)** may designate another individual to serve as a proxy of record in the member's place as a member **(or in the case of the secretary of state, as chair)** of the commission by filing a written instrument designating the proxy of

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record with the election division. The proxy of record has the same authority to act and vote on all matters as does the member **(or the secretary of state, as chair)**. The member **or the secretary of state** may revoke the authority of the proxy of record at any time. The authority of the proxy of record may be either limited or general with regard to duration or subject matter as set forth by the member in the written instrument designating the proxy.

(b) If both the member and the member's proxy of record are unavailable, the member **(including the secretary of state)** may designate another individual in writing to serve as an alternate proxy in the member's place as a member **(or in the case of the secretary of state, as chair)** of the commission. This designation must be filed with the election division before taking effect. The alternate proxy has the same authority to act and vote on all matters as does the member **(or the secretary of state, as chair)**. The member **or the secretary of state** may revoke the authority of the alternate proxy at any time. The authority of the alternate proxy may be either limited or general with regard to duration or subject matter as set forth by the member in the written instrument designating the proxy.

SECTION 10. IC 3-6-4.1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. The chair shall:

- (1) call a meeting of the commission whenever the chair considers it necessary for the performance of the commission's duties; and
- (2) set the agenda for the meeting.

SECTION 11. IC 3-6-4.1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. If the chair for any reason fails to call a meeting of the commission, then:

- (1) the vice chair, with the written approval of ~~the remaining at least~~ two (2) commission members, may convene a meeting of the commission; and
- (2) the three (3) members of the commission may meet to execute the powers and perform the duties of the commission.

SECTION 12. IC 3-6-4.1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. **(a) This section does not apply to the secretary of state.**

~~(a)~~ **(b)** Each member of the commission who is not a state employee is entitled to receive both of the following:

- (1) The minimum salary per diem provided by IC 4-10-11-2.1(b).
- (2) Reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the

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budget agency.

~~(b)~~ (c) Each member of the commission who is a state employee is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 13. IC 3-6-4.1-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) The commission has the power of subpoena and may require a person to appear before the commission, a member of the commission, or the ~~co-directors~~ **director** to be examined with regard to any matter with which the commission or the ~~co-directors~~ **director** are charged with a duty under this title.

(b) The commission or the ~~co-directors~~ **director** may require appearances at the office of the commission or at a place fixed by the commission or ~~co-directors~~ **director** in the county of residence of the person subpoenaed.

(c) A witness who is subpoenaed under this section is entitled to be paid the same mileage and fee as witnesses in court actions. Mileage and fees shall be paid as other election expenses are paid.

SECTION 14. IC 3-6-4.1-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. A member of the commission, the ~~co-directors~~, **director**, or an employee of the election division may administer an oath required or permitted by this title.

SECTION 15. IC 3-6-4.2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The ~~governor~~ **secretary of state** shall appoint ~~two~~ (2) ~~co-directors~~ **a director** for the election division. **The director serves at the pleasure of the secretary of state.**

(1) The ~~co-directors~~ **director** shall do the following:

(A) Carry out the policies, decisions, and recommendations of the **secretary of state and the** commission.

(B) Maintain an office for the election division.

~~(b) The co-directors may not be members of the same political party.~~

~~(c) The co-directors have equal authority and responsibilities under this title.~~

~~(d) The co-directors must:~~

~~(1) be classified the same under the state's personnel system; and~~

~~(2) except for differences due to years of service as co-directors, receive the same compensation.~~

SECTION 16. IC 3-6-4.2-4 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **(a) The director**  
 2 **shall employ a general counsel, who serves as acting director if the**  
 3 **director is absent or a vacancy occurs in the office.**

4 **(b) The ~~co-directors~~ director** shall employ other employees as  
 5 necessary in the execution of the powers and duties of the ~~commission~~.  
 6 **division.**

7 SECTION 17. IC 3-6-4.2-8 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. **(a) The director**  
 9 **shall employ an assistant director, who must be affiliated with the**  
 10 **major political party whose candidate received the second highest**  
 11 **number of votes cast at the most recent election, for secretary of**  
 12 **state.**

13 **(~~a~~) (b)** When a vacancy in a ~~co-director~~ **the position of assistant**  
 14 **director** occurs, the secretary of state shall notify, ~~the governor and by~~  
 15 **certified mail, return receipt requested,** the state chairman of the  
 16 political party of which the individual vacating the position is a  
 17 member.

18 **(~~b~~) (c)** The state chairman may submit to the ~~governor~~ **secretary of**  
 19 **state** in writing, within thirty (30) days after **receiving** notice of the  
 20 vacancy, the names of two (2) individuals to fill the vacancy. If the  
 21 state chairman submits the names of two (2) individuals within the  
 22 thirty (30) day period, the ~~governor~~ **director** shall ~~appoint~~ **employ** one  
 23 (1) of the two (2) individuals to fill the vacancy. If the state chairman  
 24 fails to submit the names of two (2) individuals within the thirty (30)  
 25 day period, the ~~governor~~ **director** shall, within another ten (10) days,  
 26 appoint an individual of the same political party as the state chairman  
 27 to fill the vacancy.

28 **(~~c~~) (d)** If a state chairman fails to submit in writing the name of a  
 29 qualified successor within thirty (30) days after the state chairman is  
 30 **notified by the secretary of state receives notice** of a vacancy **under**  
 31 **subsection (c), the governor director** shall:

32 (1) appoint a member of the political party of the state chairman  
 33 to fill the vacancy; and

34 (2) notify the state chairman of the selection.

35 **(~~d~~) (e)** The state chairman may disapprove the selection by notifying  
 36 the ~~governor~~ **secretary of state not later than** seven (7) days  
 37 after receiving notice of the ~~governor's appointment~~ **selection.** If the  
 38 state chairman disapproves the selection within the seven (7) day  
 39 period, the ~~governor~~ **secretary of state** shall make another  
 40 **appointment selection** under subsection **(~~b~~) (c),** which is subject to  
 41 disapproval of the state chairman under this subsection. If the state  
 42 chairman does not disapprove the ~~appointment~~ **selection** within the

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seven (7) day period, the individual ~~appointed~~ **selected** by the ~~governor~~ **secretary of state** shall be employed as the ~~co-director~~ **assistant director under this section.**

SECTION 18. IC 3-6-4.2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) An audit or investigation authorized by the commission concerning administration of election laws shall be conducted by at least two (2) state employees divided equally between the major political parties of the state.

(b) Notwithstanding subsection (a) or any statutory provisions to the contrary, the ~~co-directors~~ **director** shall assist in the following actions upon authorization of the commission:

(1) A hearing or an investigation conducted by the commission under:

(A) IC 3-7-11 (voter registration violations under NVRA or IC 3-7); or

(B) IC 3-9-4-15 (campaign finance violations).

(2) An examination or a test of a voting system for the commission.

SECTION 19. IC 3-6-4.2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. The election division shall do the following:

~~(1) Prepare and distribute paper ballots for the election or retention of persons to federal and state offices and for public questions in compliance with this title.~~

~~(2) (1) Maintain complete and uniform descriptions and maps of all precincts in Indiana.~~

~~(3) (2) Promptly update the information required by subdivision (2) (1) after each precinct establishment order is filed with the commission under IC 3-11-1.5.~~

~~(4) (3) Issue media watcher cards under IC 3-6-10-6.~~

~~(5) (4) Prepare and transfer to the department of state revenue voter registration affidavits for inclusion in state adjusted gross income tax booklets under IC 6-8.1-3-19.~~

~~(6) After December 31, 2003, (5) Serve in accordance with 42 U.S.C. 1973ff-1(b) as the office in Indiana responsible for providing information regarding voter registration procedures and absentee ballot procedures to absent uniformed services voters and overseas voters.~~

~~(7) (6) As required by 42 U.S.C. 1973ff-1(c), submit a report to the federal Election Assistance Commission not later than ninety (90) days after each general election setting forth the combined number of absentee ballots:~~

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(A) transmitted to absent uniformed services voters and overseas voters for the election; and

(B) returned by absent uniformed services voters and overseas voters and cast in the election.

~~(8) Implement~~ **(7) Assist the secretary of state with the implementation of** the state plan in accordance with the requirements of HAVA (42 U.S.C. 15401 through 15406) and this title. ~~and appoint members of the committee established under 42 U.S.C. 15405.~~

~~(9)~~ **(8)** Submit reports required under 42 U.S.C. 15408 to the federal Election Assistance Commission concerning the use of federal funds under Title II, Subtitle D, Part I of HAVA.

SECTION 20. IC 3-6-4.2-12.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12.1. (a) This section applies to the development, implementation, and amendment of the state plan under HAVA (42 U.S.C. 15401 through 15406). **The secretary of state shall appoint the members of the committee established to maintain and amend the state plan to implement HAVA.**

(b) An individual appointed by the ~~co-directors~~ **secretary of state** to serve on the committee established to develop the state plan to implement HAVA under 42 U.S.C. 15405 is entitled to receive the compensation or reimbursement provided under subsection (d) or (e).

(c) For purposes of subsection (d), an individual who holds:

(1) a state office is considered an employee of the state; or

(2) an office of a political subdivision is considered an employee of the political subdivision.

(d) Each member of the committee who is not a state employee or an employee of a political subdivision is entitled to receive both of the following:

(1) The minimum salary per diem provided by IC 4-10-11-2.1(b).

(2) Reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(e) Each member of the committee who is a state employee or an employee of a political subdivision is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

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(f) The committee's expenses, including the payment of per diem and reimbursements under this section, shall be paid from the Section 101 account of the election administration assistance fund established under IC 3-11-6.5.

SECTION 21. IC 3-6-4.2-12.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12.5. (a) As authorized under 42 U.S.C. 15421, the secretary of state ~~with the consent of the co-directors of the election division~~ shall apply to the Secretary of Health and Human Services for payments under the HAVA (42 U.S.C. 15421 through 15425) to do the following:

(1) Make polling places (including the path of travel, entrances, exits, and voting areas of each polling place) more accessible to individuals with disabilities, including the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as other voters.

(2) Provide individuals with disabilities and other individuals described in subdivision (1) with information about the accessibility of polling places, including outreach programs to inform the individuals about the availability of accessible polling places and training election officials, poll workers, and election volunteers on how best to promote the access and participation of individuals with disabilities in elections.

(b) If the secretary of state receives payments from the Secretary of Health and Human Services under 42 U.S.C. 15421 through 15425, the election division shall expend the money as described in the application submitted under 42 U.S.C. 15423.

SECTION 22. IC 3-6-4.2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) Each year in which a general or municipal election is held, the election division shall call a meeting of all the members of the county election boards and the boards of registration to instruct them as to their duties under this title and federal law (including HAVA and NVRA). The election division may, but is not required to, call a meeting under this section during a year in which a general or a municipal election is not held.

(b) Each circuit court clerk shall attend a meeting called by the election division under this section.

(c) The ~~co-directors of the~~ election division shall set the time and place of the instructional meeting. In years in which a primary election is held, the election division:

- (1) may conduct the meeting before the first day of the year; and
- (2) shall conduct the meeting before primary election day.

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The instructional meeting may not last for more than two (2) days.

(d) Each member of a county election board or board of registration and an individual who has been elected or selected to serve as circuit court clerk but has not yet begun serving in that office is entitled to receive all of the following:

(1) A per diem of twenty-four dollars (\$24) for attending the instructional meeting called by the election division under this section.

(2) A mileage allowance at the state rate for the distance necessarily traveled in going and returning from the place of the instructional meeting called by the election division under this section.

(3) Reimbursement for the payment of the instructional meeting registration fee from the county general fund without appropriation.

(4) An allowance for lodging for each night preceding conference attendance equal to the lodging allowance provided to state employees in travel status.

SECTION 23. IC 3-6-4.5-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. A complaint described by section 25 of this chapter shall be resolved by referral to an arbitrator selected jointly by the ~~commission and the person who filed the complaint~~ **secretary of state**.

SECTION 24. IC 3-7-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The ~~co-directors of the commission~~ **are jointly secretary of state** is designated under 42 U.S.C. 1973gg-8 as the chief state election official responsible for the coordination of state responsibilities under NVRA.

SECTION 25. IC 3-7-11-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) This section applies when a person aggrieved by a violation of:

(1) NVRA; or

(2) this article;

files a written notice of the violation with the NVRA official under 42 U.S.C. 1973gg-9(b) or this chapter. A person who files a written notice of violation under this section must state in the notice whether the person has filed a written notice concerning the violation with the circuit court clerk under IC 3-7-12.

(b) The NVRA official shall promptly provide a copy of the notice by first class mail to:

(1) the person alleged to have committed the violation; and

(2) the members of the commission.

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(c) Notwithstanding this chapter, a person aggrieved by a violation of NVRA or this article may file a written notice of violation with the circuit court clerk of the county where the violation allegedly occurred. If a person files a written notice with the circuit court clerk, the NVRA official shall not begin enforcement procedures under this chapter regarding the complaint unless the person files a complaint with the NVRA official under this chapter.

(d) This subsection applies if the written notice of violation alleges that ~~either co-director~~ **the NVRA official** has committed a violation. The aggrieved person shall file the written notice with the ~~chair of the commission~~ **election division**. The ~~chair of the~~ commission shall **designate an individual** to perform the duties otherwise performed by the NVRA official concerning a written notice of violation.

SECTION 26. IC 3-7-26.3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. As required under 42 U.S.C. 15483, and not later than January 1, 2006, the secretary of state ~~with the consent of the co-directors of the election division~~ shall implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, and interactive statewide voter registration list under this chapter.

SECTION 27. IC 3-7-26.3-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. As required under 42 U.S.C. 15483, the secretary of state ~~the co-directors of the election division~~, and the bureau of motor vehicles commission shall enter into an agreement to match information in the computerized list ~~data base~~ with information in the data base of the bureau of motor vehicles commission to enable the election division (acting on behalf of the secretary of state) and the commission to verify the accuracy of the information provided on voter registration applications.

SECTION 28. IC 3-7-26.3-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. The computerized list must include voter registration management features that do the following:

- (1) Automatically assign voter identification numbers in accordance with this title.
- (2) Calculate the number of registered voters by precinct or any election district.
- (3) Permit expedited web based inquiries concerning polling place locations.
- (4) Track and report all voter list maintenance transactions performed within the system.
- (5) Permit tracking regarding the political party ballot requested

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by voters voting in a primary.

(6) Generate a variety of reports on paper, compact disc, or floppy disc format, such as walking lists, call lists, lists of voters by precinct, lists of voters by name, date of birth, or date of registration, and lists of voters by other household data.

(7) Identify voters who are currently less than eighteen (18) years of age.

(8) Permit electronic processing of voter registration information received as files from other state and federal agencies.

(9) Provide flexible query functions for management and statistical reports, including the ability of the secretary of state ~~or a co-director of the election division~~ to view individual voter registration records.

(10) Contain full audit controls and management reports to track and manage the work of county voter registration office employees, including the ability of the secretary of state ~~or the co-directors of the election division~~ to determine whether a county voter registration office is performing voter list maintenance functions in the manner required by IC 3-7.

SECTION 29. IC 3-7-26.3-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31. The computerized list must include features permitting the secretary of state ~~or a co-director of the election division~~ to include other features determined by the secretary of state. ~~and the co-directors of the election division.~~

SECTION 30. IC 3-9-4-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. **(a) With the authorization of the commission:**

(1) a member of the commission; ~~the co-directors, with the authorization of the commission, or a member of a county election board~~

**(2) the election division;**

may conduct a hearing or an investigation, take evidence, and report back to the commission ~~or board~~ for its consideration and action.

**(b) A member of a county election board, with the authorization of the board, may conduct a hearing or an investigation, take evidence, and report back to the board for its consideration and action.**

SECTION 31. IC 3-9-4-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. **(a) Notwithstanding section 16 of this chapter, if a person is notified by the election division of a proposed**

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1 civil penalty under this article that may be assessed against the  
 2 person by the commission, the person may enter into an agreement  
 3 with the election division to pay the proposed penalty and waive  
 4 any hearing before the commission otherwise required under  
 5 section 16 of this chapter.

6 (b) An agreement entered into by the election division under this  
 7 section must:

8 (1) provide for the payment of the entire proposed civil  
 9 penalty not later than the date of execution of the agreement;  
 10 and

11 (2) be presented by the election division to the commission for  
 12 ratification at the next regularly scheduled meeting of the  
 13 commission.

14 SECTION 32. IC 3-11-1.5-14 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. A county  
 16 executive must submit a proposed precinct establishment order to the  
 17 ~~co-directors~~ **election division** before the county executive establishes  
 18 a precinct under this chapter.

19 SECTION 33. IC 3-11-1.5-17 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) The election  
 21 division shall send a copy of a precinct establishment order:

22 (1) submitted under section 14 or 30 (repealed) of this chapter; or

23 (2) resubmitted under section 20 of this chapter;

24 to the office for comment.

25 (b) The office shall review the order and may make any technical  
 26 comments the office considers appropriate.

27 (c) The ~~co-directors or an employee~~ **designated by the co-directors**  
 28 **election division** shall examine:

29 (1) the proposed precinct establishment order; and

30 (2) the comments of the office;

31 to determine if the order would establish precincts in compliance with  
 32 this chapter.

33 SECTION 34. IC 3-11-1.5-18 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) If the  
 35 ~~co-directors or designated employee~~ **election division** determines that  
 36 the proposed precinct establishment order would comply with this  
 37 chapter, the ~~co-directors~~ shall advise the county executive that the  
 38 ~~co-directors will recommend that the commission approve the proposed~~  
 39 ~~order based on the order's compliance~~ **election division shall issue an**  
 40 **order authorizing the county executive to establish the proposed**  
 41 **precincts.**

42 (b) The order issued by the election division under subsection

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(a) must state that the election division finds that the proposed precincts would comply with the standards set forth in this chapter. The election division shall promptly provide a copy of the order to the county executive.

(c) The county executive must give notice of the proposed order to the voters of the county by one (1) publication under IC 5-3-1-4. The notice must state the following:

(1) The name of each existing precinct whose boundaries would be changed by the adoption of the proposed order by the county.

(2) That any registered voter of the county may object to the proposed order by filing a sworn statement with the election division setting forth the voter's specific objections to the proposed order and requesting that a hearing be conducted by the commission under IC 4-21.5.

(3) The mailing address of the election division.

(4) The deadline for filing the objection with the election division under this section.

(d) An objection to a proposed precinct establishment order must be filed not later than noon ten (10) days after the publication of the notice by the county executive.

(e) If an objection is not filed with the election division by the date and time specified under subsection (d), the election division shall promptly notify the county executive. The county executive may proceed immediately to adopt the proposed order.

(f) If an objection is filed with the election division by the date and time specified under subsection (d), the election division shall promptly notify the county executive. The county executive may not adopt the proposed order until the commission conducts a hearing under IC 4-21.5 and determines whether the proposed precincts would comply with the standards set forth in this chapter.

SECTION 35. IC 3-11-1.5-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. If the ~~co-directors or designated employee~~ **election division** determines that the proposed precinct establishment order would not comply with this chapter, the ~~co-directors~~ **election division** shall advise the county executive specifically how the order would not comply with this chapter. If the ~~co-directors determine~~ **election division determines** that the noncompliance would result from a technical error in a map or legal description included in the proposed order, the ~~co-directors~~ **election division** may suggest specific amendments to the map or legal

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description in the letter accompanying the proposed order.

SECTION 36. IC 3-11-1.5-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. If a county executive is advised that a proposed precinct establishment order does not comply with this chapter, the county executive may:

(1) amend the proposed order so that the precincts may be established in compliance with this chapter; or

(2) request an exemption under section 20.5 of this chapter;

and resubmit the proposed order to the ~~co-directors~~ **election division**.

SECTION 37. IC 3-11-1.5-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. (a) If the county executive believes that the proposed order described by section 19 of this chapter complies with this chapter, the county executive may resubmit the order to the ~~co-directors~~ **election division** and request a hearing before the commission. The hearing shall be conducted in accordance with IC 4-21.5.

(b) If the commission determines that the proposed precinct establishment order complies with this chapter, the ~~co-directors~~ **election division** shall advise the county executive that the order complies with this chapter and may be issued by the county executive.

SECTION 38. IC 3-11-1.5-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. When a county executive receives a proposed order approved by:

(1) the **election division**; or

(2) the commission under **section 18(f)** of this chapter, the county executive may issue the order.

SECTION 39. IC 3-11-1.5-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) The county executive shall file a copy of the order issued under section 22 of this chapter with the ~~co-directors~~ **election division** not later than seven (7) days after its issuance.

(b) The ~~co-directors~~ **election division** shall send a copy of the order to the office not later than seven (7) days after the ~~co-directors receive~~ **election division receives** the order.

SECTION 40. IC 3-11-1.5-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. (a) The precinct establishment order becomes effective on the first date permitted under section 25 of this chapter.

(b) The office shall notify the ~~co-directors~~ **election division** of the date the new precinct boundaries were entered into the GIS not later than seven (7) days after the new precinct boundaries are entered into the GIS.

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1 SECTION 41. IC 3-11-1.5-26 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. The  
 3 ~~co-directors~~ **election division** shall promptly notify the county  
 4 executive of:

5 (1) the approval of a precinct establishment order by the  
 6 commission; and

7 (2) the date the order becomes effective.

8 The ~~co-directors~~ **election division** shall provide one (1) copy of the  
 9 approved order to the county executive.

10 SECTION 42. IC 3-11-1.5-27 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27. Not later than  
 12 fourteen (14) days following notice of final approval of a precinct  
 13 establishment order **by the commission** under **section 18(f)** of this  
 14 chapter, the county executive shall give notice of the approval by one  
 15 (1) publication under IC 5-3-1-4.

16 SECTION 43. IC 3-11-1.5-29 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. The county  
 18 executive shall file:

19 (1) one (1) copy of the order approved under section 26 of this  
 20 chapter with the ~~circuit court clerk or board of county voter~~  
 21 **registration office**; and

22 (2) one (1) copy of the notice published under section 27 of this  
 23 chapter with the ~~co-directors~~; **election division**;

24 ~~no~~ **not** later than forty-five (45) days after the notice is published under  
 25 section 27 of this chapter.

26 SECTION 44. IC 3-11-1.5-31 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31. **(a) This**  
 28 **section applies to a proposed precinct establishment order that**  
 29 **requires that a hearing by the commission be conducted under this**  
 30 **chapter.**

31 **(b)** After the ~~co-directors~~ **have election division has** reviewed the  
 32 proposed precinct establishment order, and the order has been revised,  
 33 if necessary, to comply with this chapter, the commission shall:

34 (1) approve a proposed precinct establishment order under this  
 35 section ~~no~~ **not** later than the following January 31; and

36 (2) order that the precinct establishment order takes effect January  
 37 31 of the year in which the municipal election will be held.

38 SECTION 45. IC 3-11-1.5-34 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 34. (a) A county  
 40 executive may issue an order to rename or renumber precincts without  
 41 establishing new precinct boundaries. An order issued under this  
 42 section becomes effective when it is filed with the ~~co-directors~~.

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**election division.**

(b) The ~~co-directors~~ **election division** shall send a copy of the order to the office.

SECTION 46. IC 3-11-1.5-35 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 35. (a) This section applies to a county that has a precinct that crosses a boundary in violation of section ~~4(5)~~, **4(4)**, ~~4(6)~~, **4(5)**, or ~~4(7)~~ **4(6)** of this chapter.

(b) Notwithstanding section 25 of this chapter, if the county does not issue a precinct establishment order that establishes precincts in compliance with section ~~4(5)~~, **4(4)**, ~~4(6)~~, **4(5)**, and or ~~4(7)~~ **4(6)** of this chapter by the January 31 following the last effective date described in section 25(2) of this chapter, the commission may issue an order establishing precincts as provided under subsection (c).

(c) An order issued by the commission under this section must comply with section ~~4(5)~~, **4(4)**, ~~4(6)~~, **4(5)**, and or ~~4(7)~~ **4(6)** of this chapter.

(d) The ~~co-directors~~ **election division** shall send a copy of the commission's order to the office.

SECTION 47. IC 3-11-1.5-37 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 37. (a) The ~~co-directors~~ **election division** shall notify the office of any errors found in the precinct boundaries depicted in the GIS.

(b) The office and the ~~co-directors~~ **election division** shall cooperate to resolve any errors found in the GIS.

SECTION 48. IC 3-11-6.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) In accordance with 42 U.S.C. 15404, the election administration assistance fund is established for the following purposes:

(1) As provided by 42 U.S.C. 15401, to carry out activities to improve the administration of elections for federal office.

(2) As provided by 42 U.S.C. 15401, to use funds provided to the state under Title II, Subtitle D, Part I of HAVA (42 U.S.C. 15401 through 15408) as a reimbursement of costs in obtaining voting equipment that complies with 42 U.S.C. 15481 if the state obtains the equipment after November 7, 2000.

(3) As provided by 42 U.S.C. 15401, to use funds provided to the state under Title II, Subtitle D, Part I of HAVA (42 U.S.C. 15401 through 15408) as a reimbursement of costs in obtaining voting equipment that complies with 42 U.S.C. 15481 under a multiyear contract incurred after December 31, 2000.

(4) For reimbursing counties for the purchase of new voting systems or for the upgrade or expansion of existing voting

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1 systems that would not qualify for reimbursement under  
2 subdivision (2) or (3).

3 (b) The fund consists of the following:

4 (1) Money appropriated to the fund by the general assembly,  
5 including any money appropriated from the build Indiana fund.

6 (2) All money allocated to the state by the federal government:

7 (A) under Section 101 of HAVA (42 U.S.C. 15301), as  
8 required by 42 U.S.C. 15304;

9 (B) under Section 102 of HAVA (42 U.S.C. 15302), as  
10 required by 42 U.S.C. 15304;

11 (C) under Title II, Subtitle D, Part I of HAVA (42 U.S.C.  
12 15401 through 15408); and

13 (D) under any other program for the improvement of election  
14 administration.

15 (3) Proceeds of bonds issued by the Indiana bond bank for  
16 improvement of voting systems as authorized by law.

17 The auditor of state shall establish an account within the fund for  
18 money appropriated by the general assembly and separate accounts  
19 within the fund for any money received by the state from the federal  
20 government for each source of allocations described under subdivision  
21 (2). Proceeds of bonds issued by the Indiana bond bank under  
22 subdivision (3) may be deposited into any account, as determined by  
23 the election division.

24 (c) The secretary of state ~~with the consent of the co-directors of the~~  
25 ~~election division~~ shall administer the fund.

26 (d) The expenses of administering the fund shall be paid from  
27 money in the Section 101 account of the fund. If money is not available  
28 for this purpose in the Section 101 account of the fund, the expenses of  
29 administering the fund shall be paid from money appropriated under  
30 subsection (b)(1).

31 (e) The treasurer of state shall invest the money in the fund not  
32 currently needed to meet the obligations of the fund in the same  
33 manner as other public money may be invested. Interest that accrues  
34 from these investments shall be deposited in the fund and allocated  
35 among the accounts within the fund according to the balances of the  
36 respective accounts.

37 (f) Money in the fund at the end of a state fiscal year does not revert  
38 to the state general fund.

39 (g) Money in the fund is appropriated continuously for the purposes  
40 stated in subsection (a).

41 SECTION 49. IC 3-11-6.5-2.1 IS AMENDED TO READ AS  
42 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.1. The secretary

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of state ~~with the consent of the co-directors of the election division~~, may administer the fund in accordance with the HAVA state plan, as published in the Indiana Register on November 1, 2003. The state plan may be amended in accordance with the requirements of HAVA and the procedures for amendment set forth in the plan. If the plan is amended as provided in this section, the fund may be administered in accordance with that amendment.

SECTION 50. IC 3-11-6.5-3.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.1. (a) This section applies to money received under Title II, Subtitle D, Part I of HAVA (42 U.S.C. 15401 through 15408) and deposited in the account established under section 2 of this chapter for those funds.

(b) Except as provided in subsection (c), money deposited in the account must be used to comply with the requirements of Title III of HAVA (42 U.S.C. 15481 through 15502).

(c) As authorized under 42 U.S.C. 15401(b), money deposited in the account may be used for other purposes authorized under Section 101 of HAVA (42 U.S.C. 15301) if the secretary of state ~~with the approval of the co-directors of the election division~~, files the certification required by Section 251(b)(2)(B) of HAVA (42 U.S.C. 15401(b)(2)(B)).

(d) If the secretary of state makes the certification described in subsection (c), the secretary of state ~~with the approval of the co-directors of the election division~~, may transfer amounts that do not in total exceed the amount described in Section 251(b)(2)(B) from the Title II account of the fund to the Section 101 account of the fund.

(e) In conformity with Section 254(a)(7) of HAVA (42 U.S.C. 15404), the state shall maintain expenditures by the state for activities funded by the payment of funds described by this section at a level that is not less than the level of those expenditures maintained by the state for the fiscal year ending June 30, 2000.

SECTION 51. IC 3-11-6.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) To receive reimbursement for the purchase of voting systems under this chapter, a county must file an application with the election division, in the form required by the election division. The secretary of state ~~with the consent of the co-directors of the election division~~ shall review the application and make a recommendation to the budget committee regarding the application. If a county filed an application under section 3 of this chapter (repealed) not later than January 31, 2003, the application may be amended to comply with this chapter or the county may file a new application under this subsection.

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(b) The budget agency, after review by the budget committee, shall approve a county's application for reimbursement under this chapter if the budget agency determines either of the following:

(1) The county has purchased or will purchase a new voting system or an upgrade or expansion of an existing voting system to comply with HAVA that would be eligible for reimbursement under HAVA and this chapter from any fund account.

(2) The county purchased a new voting system or an upgrade or expansion of the county's existing voting system after January 1, 1998, and before July 1, 2001, that would not qualify for reimbursement from federal funds received under HAVA, and the new voting system or upgrade or expansion of the county's existing voting system enhanced all of the following:

(A) Reliability of the county's voting system.

(B) Efficiency of the county's voting system.

(C) Ease of use of the county's voting system by voters.

(D) Public confidence in the county's voting system.

SECTION 52. IC 3-11-6.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) If a county's application is approved under section 4 of this chapter, the secretary of state ~~with the consent of the co-directors of the election division~~ shall, subject to this section, reimburse the county from the fund an amount to be determined by the secretary of state. ~~with the consent of the co-directors of the election division.~~

(b) Payment of money from the fund is subject to the availability of money in the fund and the requirements of this chapter and HAVA.

(c) It is the intent of the general assembly that a county eligible for reimbursement under section 4 of this chapter be reimbursed from federal money received by the state to the maximum extent permitted by federal law.

(d) This section expires January 1, 2006.

SECTION 53. IC 3-11-6.5-7.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.1. (a) This section applies to money received under Section 102 of HAVA (42 U.S.C. 15302) and deposited in the account established under section 2 of this chapter for those funds.

(b) Money deposited in the account must be used for the purposes set forth in Section 102 of HAVA (42 U.S.C. 15302).

(c) As permitted under 42 U.S.C. 15302, a county may apply to receive reimbursement from the fund.

(d) To receive reimbursement or voting systems under this section, a county must file an application with the election division in the form

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1 required by the election division. The secretary of state ~~with the~~  
 2 ~~consent of the co-directors of the election division~~, shall review the  
 3 application and make a recommendation to the budget committee  
 4 regarding the application. If a county filed an application under section  
 5 3 of this chapter (repealed) not later than January 31, 2003, the  
 6 application may be amended to comply with this chapter or the county  
 7 may file a new application under this subsection.

8 (e) The budget agency, after review by the budget committee, shall  
 9 approve a county's application for reimbursement if the budget agency  
 10 determines that the county has purchased a voting system to comply  
 11 with Section 102 of HAVA and is eligible for reimbursement under this  
 12 section.

13 (f) The budget agency, after review by the budget committee, shall  
 14 approve a county's application for disbursement of voting systems to  
 15 the county if the budget agency determines that the county is entitled  
 16 to receive voting systems under this section to comply with Section 102  
 17 of HAVA.

18 (g) If a county's application for reimbursement is approved under  
 19 this section, the secretary of state shall, subject to subsection (h),  
 20 reimburse the county from the fund in an amount not more than the  
 21 amount determined by STEP TWO of the following formula:

22 STEP ONE: Determine the number of precincts in the county that  
 23 used a voting machine voting system or a punch card voting  
 24 system at the November 7, 2000, general election.

25 STEP TWO: Multiply the number determined in STEP ONE by  
 26 four thousand dollars (\$4,000).

27 (h) Payment of money from the fund under this section is subject to  
 28 the availability of money in the fund and the requirements of this  
 29 chapter and HAVA.

30 SECTION 54. IC 3-11-6.5-8 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) This section  
 32 applies to money received under Section 101 of HAVA (42 U.S.C.  
 33 15301) and deposited in the account established under section 2 of this  
 34 chapter for those funds.

35 (b) Money deposited in the account must be used in accordance with  
 36 the requirements applicable under Section 101 of HAVA (42 U.S.C.  
 37 15301).

38 (c) The money may be used ~~with the approval of the co-directors of~~  
 39 ~~the election division~~ for the following purposes:

40 (1) By the secretary of state for any purpose authorized by this  
 41 title and permitted under 42 U.S.C. 15301.

42 (2) To reimburse counties for the purchase of new voting systems

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1 eligible for reimbursement under section 7.1 of this chapter, to the  
 2 extent that money received and deposited under section 7.1 of this  
 3 chapter is insufficient to replace all voting machine systems and  
 4 punch card voting systems in Indiana.

5 (3) To reimburse counties for the upgrade or expansion of  
 6 existing voting systems to comply with HAVA.

7 (d) As permitted under 42 U.S.C. 15301, a county may apply to  
 8 receive reimbursement under subsection (c).

9 (e) To receive reimbursement under this section, a county must  
 10 make an application to the election division in the form required by the  
 11 election division. If the county filed an application under section 3 of  
 12 this chapter (repealed) not later than January 31, 2003:

13 (1) the application may be amended to comply with this chapter;  
 14 or

15 (2) the county may file a new application under this section.

16 The secretary of state ~~with the consent of the co-directors of the~~  
 17 ~~election division~~ shall review the application and make a  
 18 recommendation to the budget committee regarding the application.

19 (f) The budget agency, after review by the budget committee, shall  
 20 approve a county's application for reimbursement under this section if  
 21 the budget agency determines that the application complies with the  
 22 requirements for reimbursement under subsection (c)(2) or (c)(3).

23 (g) If a county's application is approved under subsection (c)(2), the  
 24 secretary of state ~~with the consent of the co-directors of the election~~  
 25 ~~division~~ shall, subject to subsection (i), pay the county from the fund  
 26 an amount not more than the amount determined by STEP TWO of the  
 27 following formula:

28 STEP ONE: Determine the number of precincts in the county that  
 29 used a voting machine voting system or a punch card voting  
 30 system at the November 7, 2000, general election that cannot be  
 31 replaced with funds available under section 7.1 of this chapter.

32 STEP TWO: Multiply the number determined in STEP ONE by  
 33 four thousand dollars (\$4,000).

34 (h) If a county's application is approved under subsection (c)(3), the  
 35 secretary of state ~~with the consent of the co-directors of the election~~  
 36 ~~division~~ shall, subject to subsection (i), pay the county from the fund  
 37 in an amount to be determined by the secretary of state. ~~with the~~  
 38 ~~consent of the co-directors of the election division.~~

39 (i) Payment of money from the fund under this section is subject to  
 40 the availability of money in the fund and the requirements of this  
 41 chapter and HAVA.

42 SECTION 55. IC 3-11-8-15 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) Only the following persons are permitted in the polls during an election:

- (1) Members of a precinct election board.
- (2) Poll clerks and assistant poll clerks.
- (3) Election sheriffs.
- (4) Deputy election commissioners.
- (5) Pollbook holders.
- (6) Watchers.
- (7) Voters for the purposes of voting.
- (8) Minor children accompanying voters as provided under IC 3-11-11-8 and IC 3-11-12-29.
- (9) An assistant to a precinct election officer appointed under IC 3-6-6-39.
- (10) An individual authorized to assist a voter in accordance with IC 3-11-9.
- (11) A member of a county election board, acting on behalf of the board.
- (12) A mechanic authorized to act on behalf of a county election board to repair a voting system (if the mechanic bears credentials signed by each member of the board).
- (13) Either of the following who have been issued credentials signed by the members of the county election board:
  - (A) The county chairman of a political party.
  - (B) The county vice chairman of a political party.
- (14) The secretary of state, as chief election officer of the state, unless the individual serving as secretary of state is a candidate for nomination or election to an office at the election.**

(b) This subsection applies to a simulated election for minors conducted with the authorization of the county election board. An individual participating in the simulated election may be in the polls for the purpose of voting. A person supervising the simulated election may be in the polls to perform the supervision.

(c) The inspector of a precinct has authority over all simulated election activities conducted under subsection (b) and shall ensure that the simulated election activities do not interfere with the election conducted in that polling place.

SECTION 56. IC 3-14-3-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. A printer of the ballots for an election, or person employed in printing the ballots, who knowingly:

- (1) delivers a ballot to a person other than ~~the co-directors or an~~

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1 authorized representative of the ~~election division~~ or a county  
 2 election board for which the ballots are being printed;  
 3 (2) prints a ballot in any form other than the one prescribed by  
 4 law; or  
 5 (3) prints a ballot containing any names, spellings, or  
 6 arrangements other than as authorized by the ~~commission~~ or a  
 7 county election board;  
 8 commits a Class D felony.

9 SECTION 57. IC 9-24-2.5-8 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The  
 11 ~~co-directors of the~~ election division shall provide the commission with  
 12 a list of the current addresses and telephone numbers of the ~~offices of~~  
 13 ~~the circuit court clerk or board of~~ county voter registration office in  
 14 each county. The commission shall promptly forward the list and each  
 15 revision of the list to each license branch.

16 (b) The ~~co-directors of the~~ election division shall provide the  
 17 commission with pre-addressed packets for the commission to transmit  
 18 applications under section 6(1) or 6(2) of this chapter.

19 SECTION 58. IC 9-24-2.5-10 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. The  
 21 ~~co-directors of the~~ election division shall notify the commission of the  
 22 following:

- 23 (1) The scheduled date of each primary, general, municipal, and  
 24 special election.
- 25 (2) The jurisdiction in which the election will be held.
- 26 (3) The date when registration ceases under IC 3-7-13-10 before  
 27 each primary, general, municipal, and special election.

28 SECTION 59. IC 9-24-2.5-11 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. The  
 30 commission shall provide the ~~co-directors of the~~ election division with  
 31 a list stating the following:

- 32 (1) The address and telephone number of each license branch.
- 33 (2) The name of the manager of the license branch and any  
 34 employee designated by the manager to be responsible for  
 35 performing voter registration duties under this chapter.

36 SECTION 60. IC 9-24-2.5-12 IS AMENDED TO READ AS  
 37 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. As required  
 38 under 42 U.S.C. 15483, the secretary of state (~~with the consent of the~~  
 39 ~~co-directors of the election division~~) and the commission shall enter  
 40 into an agreement to match information in the computerized list  
 41 established under IC 3-7-26.3 with information in the data base of the  
 42 commission to enable the election division and the commission to

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1 verify the accuracy of the information provided on voter registration  
2 applications.

3 SECTION 61. IC 12-14-25-7 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The  
5 ~~co-directors of the~~ election division shall provide the division with a  
6 list of the current addresses and telephone numbers of the ~~offices of the~~  
7 ~~circuit court clerk or board of county voter~~ registration **office** in each  
8 county. The division shall promptly forward the list and each revision  
9 of the list to each county office.

10 (b) The ~~co-directors~~ **election division** shall provide the division  
11 with pre-addressed packets for food stamp offices to transmit  
12 applications under section 5(1) or 5(2) of this chapter.

13 SECTION 62. IC 12-14-25-9 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) The  
15 ~~co-directors of the~~ election division shall notify the division of family  
16 and children of the following:

17 (1) The scheduled date of each primary, general, municipal, and  
18 special election.

19 (2) The jurisdiction in which the election will be held.

20 SECTION 63. IC 12-14-25-10 IS AMENDED TO READ AS  
21 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. The division  
22 shall provide the ~~co-directors of the~~ election division with a list stating  
23 the following:

24 (1) The address and telephone number of each food stamp office.

25 (2) The name of each employee designated by the director to be  
26 responsible for performing voter registration duties under this  
27 chapter.

28 SECTION 64. IC 12-15-1.5-6 IS AMENDED TO READ AS  
29 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. A county  
30 director or designated employee may use any of the following methods  
31 to transmit voter registration applications or declinations under section  
32 4 or 5 of this chapter:

33 (1) Hand delivery to the ~~circuit court clerk or board of county~~  
34 **voter registration office**.

35 (2) Certified mail, return receipt requested.

36 (3) Electronic transfer, after approval by the ~~co-directors of the~~  
37 election division.

38 SECTION 65. IC 12-15-1.5-8 IS AMENDED TO READ AS  
39 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The  
40 ~~co-directors of the~~ election division shall provide the division of family  
41 and children with a list of the current addresses and telephone numbers  
42 of the ~~offices of the circuit court clerk or board of county voter~~

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1 registration **office** in each county. The division shall promptly forward  
2 the list and each revision of the list to each county office.

3 (b) The ~~co-directors~~ **election division** shall provide the division of  
4 family and children with pre-addressed packets for county offices to  
5 transmit applications under section 6(1) or 6(2) of this chapter.

6 SECTION 66. IC 12-15-1.5-10 IS AMENDED TO READ AS  
7 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. The  
8 ~~co-directors of the~~ election division shall notify each county director of  
9 the following:

10 (1) The scheduled date of each primary, general, municipal, and  
11 special election.

12 (2) The jurisdiction in which the election will be held.

13 SECTION 67. IC 12-15-1.5-11 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. The division  
15 shall provide the ~~co-directors of the~~ election division with a list stating  
16 the following:

17 (1) The address and telephone number of each county office.

18 (2) The name of each county director and any employee  
19 designated by the director to be responsible for performing voter  
20 registration duties under this chapter.

21 SECTION 68. IC 16-35-1.6-9 IS AMENDED TO READ AS  
22 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) The  
23 ~~co-directors of the~~ election division shall provide the commissioner  
24 with a list of the current addresses and telephone numbers of the ~~offices~~  
25 ~~of the circuit court clerk or board of county voter~~ registration **office** in  
26 each county. The commissioner shall promptly forward the list and  
27 each revision of the list to each WIC office.

28 (b) The ~~co-directors~~ **election division** shall provide the  
29 commissioner with pre-addressed packets for WIC offices to transmit  
30 applications under section 7(1) or 7(2) of this chapter.

31 SECTION 69. IC 16-35-1.6-11 IS AMENDED TO READ AS  
32 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The  
33 ~~co-directors of the~~ election division shall notify the commissioner of  
34 the following:

35 (1) The scheduled date of each primary, general, municipal, and  
36 special election.

37 (2) The jurisdiction in which the election will be held.

38 SECTION 70. IC 16-35-1.6-12 IS AMENDED TO READ AS  
39 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. The  
40 commissioner shall provide ~~the co-directors of the~~ election division  
41 with a list stating the following:

42 (1) The address and telephone number of each WIC office.

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(2) The name of each employee designated by the commissioner to be responsible for performing voter registration duties under this chapter.

SECTION 71. IC 33-42-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The following may subscribe and administer oaths and take acknowledgments of all documents pertaining to all matters where an oath is required:

- (1) Notaries public.
- (2) Justices and judges of courts, in their respective jurisdictions.
- (3) The secretary of state.
- (4) The clerk of the supreme court.
- (5) Mayors, clerks, clerk-treasurers of towns and cities, and township trustees, in their respective towns, cities, and townships.
- (6) Clerks of circuit courts and master commissioners, in their respective counties.
- (7) Judges of United States district courts of Indiana, in their respective jurisdictions.
- (8) United States commissioners appointed for any United States district court of Indiana, in their respective jurisdictions.
- (9) A precinct election officer (as defined in IC 3-5-2-40.1) and an absentee voter board member appointed under IC 3-11-10, for any purpose authorized under IC 3.
- (10) A member of the Indiana election commission, ~~a co-director~~ **the director** of the election division, or an employee of the election division under IC 3-6-4.2.
- (11) County auditors, in their respective counties.
- (12) Any member of the general assembly anywhere in Indiana.

SECTION 72. [EFFECTIVE UPON PASSAGE] **(a) The definitions set forth in IC 3-5-2 apply throughout this SECTION.**

**(b) The individual serving as chair of the commission on May 15, 2005, serves as the initial vice chair of the commission until a vice-chair is designated under IC 3-6-4.1-6, as amended by this act.**

**(c) The office of co-director of the election division is abolished. Except as otherwise provided by this act, the individual and joint powers, duties, functions, rights, and responsibilities of the co-directors are transferred to the director of the election division.**

**(d) The individual serving as co-director on May 15, 2005, who was nominated under IC 3-6-4.2 by the major political party whose candidate for secretary of state received the highest number of votes cast at the 2002 general election for that office serves as the initial director of the election division.**

**(e) The individual serving as co-director on May 15, 2005, who**

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1 was nominated under IC 3-6-4.2 by the major political party whose  
2 candidate received the second highest number of votes cast at the  
3 2002 general election for that office serves as the initial assistant  
4 director designated under IC 3-6-4.2-8, as amended by this act.

5 (f) A reference to a co-director of the election division or the  
6 co-directors of the election division in any statute or rule shall be  
7 treated as a reference to the director of the election division.

8 (g) This SECTION expires January 1, 2011.

9 SECTION 73. THE FOLLOWING ARE REPEALED [EFFECTIVE  
10 UPON PASSAGE]: IC 3-6-4.2-3.2; IC 3-6-4.2-5; IC 3-6-4.2-6;  
11 IC 3-6-4.2-7.

12 SECTION 74. An emergency is declared for this act.

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